

State Fire Marshal

Permanent Administrative Regulations

Article 8. – LIQUEFIED PETROLEUM GASES

22-8-2. Identification. All bulk storage containers shall be lettered with “Flammable LP gas” in letters not less than six inches in height. “No smoking” signs shall be posted near the container area. In addition, all liquid petroleum bulk plants shall have a sign stating the owner’s name, address, and phone number. This sign shall be durable and legible at all times. (Authorized by and implementing K.S.A. 1983 Supp. 31-133; effective May 1, 1979; amended May 1, 1984.)

22-8-3. Definitions. (a) “Check list” means the written procedures to be followed when inspecting an LP gas powered motor vehicle or public transportation vehicle for proper installation.

(b) “Check list certificate” means a certificate issued to an installer or inspector permitting the installation or inspection of LP gas motor fuel kits or components on motor vehicles or public transportation vehicles.

(c) “Check list seal” means the official numbered seal issued by the state fire marshal that is placed on a LP gas powered vehicle that has successfully passed inspection.

(d) “Inspector” means a person who has been issued a check list certificate by the state fire marshal to inspect LP gas powered vehicles.

(e) “Installer” means a person, partnership, firm, association, joint-stock company, syndicate or corporation engaged in the installation, repair, or reconditioning of LP gas carburetion kits or LP gas components to be installed for motor fuel use on a public transportation vehicle, or a motor vehicle not owned by the installer.

(f) “Kit” or “component” means a unit or equipment designed for the purpose of enabling an internal combustion engine on a motor vehicle to utilize LP gas motor fuel.

(g) “LP gas motor fuel” means a material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures. This includes propane, propylene, butane (normal butane or iso-butane) and butylenes.

(h) “Motor vehicle” means a self propelled vehicle used on public highways.

(i) “Public highway” means a paved or unpaved roadway open to the use of the public for the purpose of vehicle travel, including a toll highway.

(j) “Public transportation vehicle” means a motor vehicle used to transport persons for hire, or to transport more than six unrelated persons in one vehicle.

(k) “Plot plans” means a scale drawing of the LP gas service station property showing the location of the facilities, including the location of buildings, above ground or underground tanks, dispensing units, and indicating the distances between each.

(l) “Recognized testing laboratory” means a nationally recognized testing agency approved by the state fire marshal which is staffed by qualified personnel and properly equipped to conduct the particular test in question and which is regularly engaged in conducting tests and furnishing inspection and re-examination services. The laboratories are those who publish lists of tested materials, equipment, or devices and inspection examinations and tests of the most recent production of the listed product. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983.)

22-8-4. Certificate, requirements. (a) A person shall not inspect or install an LP gas motor fuel kit or components on a motor vehicle or public transportation vehicle without first obtaining a check list certificate, check list and check list seal from the office of the state fire marshal. A permit shall not be required for the following:

(1) a manufacturer of internal combustion engines which installs approved LP gas motor fuel equipment as part of the internal combustion engine manufacturing process;

(2) a person or firm in the business of repairing and handling internal combustion engines equipped with LP gas motor fuel equipment, provided that no alterations are made to the original installation of the LP gas motor fuel system. This shall not relieve a person or firm from the responsibility of performing leak checks to the LP gas motor fuel components that might have been disturbed during the handling or repair process; or

(3) a person who installs an LP gas motor fuel kit or component on a non-highway titled vehicle.

(b) Persons desiring a check list certificate shall complete an application on forms provided by the office of the state fire marshal and provide proof of liability insurance for the minimum amount of three hundred thousand dollars (\$300,000) single occurrence for persons who may receive damages or injuries as the result of an improper installation or inspection.

(c) A check list seal shall be placed on the lower left hand corner of the windshield by the inspector or installer. A check list seal shall become invalid and must be removed when the vehicle has been involved in an accident damaging any of the equipment or components of the LP gas motor fuel system or when title to the vehicle is transferred.

(d) A check list seal may be issued by the state fire marshal to replace a previously issued seal which has been destroyed provided the owner of the vehicle submits in writing a statement attesting to the fact that the seal was destroyed.

(e) A person shall not dispense LP gas motor fuel into a Kansas highway titled motor vehicle or public transportation vehicle if the vehicle does not bear a valid Kansas check list seal.

(f) All persons who install LP motor fuel kits or components on their own vehicles shall have them inspected by a person who holds a valid check list certificate. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983.)

22-8-5. Plot plans. A person planning to operate a public LP gas service station shall submit a plot plan to the office of the state fire marshal. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983.)

22-8-6. Self service LP stations. Self service LP gas service stations open to the public except political or state subdivisions shall be prohibited in the state of Kansas. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982.)

22-8-7. Regular inspections of certain vehicles. (a) Each LP gas-powered vehicle used for public transportation, or the transporting of school children, shall be inspected on a regular basis, and at least once every two years, in accordance with the state fire marshal's approved checklist of written procedures for inspection of an LP gas-powered motor vehicle.

(b) Each inspection shall be conducted by a person who holds a valid check-list certificate from the state fire marshal. The owner of each vehicle shall keep a record of the inspections and shall make those records available for inspection upon request.

(c) Each vehicle bearing a check-list seal issued prior to May 1, 1985 shall be inspected prior to August 15, 1987. Each vehicle bearing a checklist seal issued on or after May 1, 1985 shall be inspected not later than the date which is two years after the date of issuance of the check-list seal. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1986; amended May 1, 1987.)

22-8-8. Inspections. Each liquefied petroleum gas facility licensed under the Kansas propane and safety act shall be inspected by the state fire marshal or the state fire marshal's designee during the application process or during the first year of licensure. After each license renewal, the facility shall be inspected by the state fire marshal or the state fire marshal's designee. (Authorized by and implementing K.S.A. 55-1808 and 55-1812; effective March 31, 2006.)

22-8-9. Approval process for application and drawings. (a) Each submitted application and the accompanying drawings specified in K.A.R. 22-8-5 shall be approved or denied pursuant to K.S.A. 55-1810 and amendments thereto.

(b) If the application or drawings do not indicate substantial conformity to the applicable requirements of the Kansas fire prevention code and the state fire marshal's regulations, the applicant shall be notified in writing that the application is deemed deficient by the state fire marshal. (Authorized by K.S.A. 55-1812; implementing K.S.A. 55-1810; effective March 31, 2006.)

22-8-10. Licensing requirements; classes; fees; renewals. (a) To obtain a license under the Kansas propane safety and licensing act, each applicant shall submit the following to the state fire marshal's office:

- (1) An application for each desired license;
- (2) proof that the training requirements in K.A.R. 22-8-11 for each desired license have been met;
- (3) proof of continuous general liability insurance coverage of at least \$1,000,000; and

- (4) a onetime, nonrefundable initial application fee of \$25, unless the applicant is an officer or employee of the state of Kansas or any political or taxing subdivision and that person is acting on behalf of the state or political taxing subdivision.
- (b) If the license application is approved, the appropriate annual fee shall be paid before issuance of the license.
- (1) The annual license fee for a class one dealer license, which shall be required for the retail distribution of liquefied petroleum gas, shall be \$175 per location.
- (2) The annual fee for a class two bulk storage site license, which shall be required for the bulk storage of liquefied petroleum gas, shall be \$25 per tank.
- (3) The annual fee for a class three cylinder transport license, which shall be required to operate a cylinder delivery service, shall be \$100 per vehicle.
- (4) The annual fee for a class four cylinder filling license, which shall be required to operate a cylinder filling facility, shall be \$50 per facility. For the purpose of this paragraph, "cylinder filling facility" shall include any facility that fills cylinders or sells cylinder valves.
- (5) The annual fee for a class five recreational vehicle fueling license, which shall be required to fuel recreational vehicles or mobile fuel containers, shall be \$50 per facility.
- (6) The annual fee for a class six cylinder exchange cabinet license, which shall be required to establish a cylinder exchange cabinet or participate in a cylinder program, shall be \$10 for each cabinet at any location. Each cabinet shall be required to have a new sticker applied to the cabinet annually. Each sticker shall be provided by the state fire marshal's office.
- (7) The annual fee for a class seven self-serve liquefied petroleum gas dispensing license, which shall be required to operate a liquefied petroleum gas fueling facility, shall be \$50 per facility.
- (8) The annual fee for a class eight installation and service of liquefied petroleum gas systems license, which shall be required to install, maintain, or modify a residential or commercial liquefied petroleum gas distribution and utilization system, shall be \$20 per technician.
- (c) Each license shall expire on September 30 each year.
- (d) Any LP gas license may be renewed annually. Each applicant for renewal shall submit the following to the state fire marshal's office on or before July 15:
- (1) The renewal form;
- (2) proof that the continuing education requirements have been met;
- (3) proof of continuous general liability insurance coverage of at least \$1,000,000; and
- (4) payment of each applicable annual license fee. (Authorized by K.S.A. 55-1812; implementing K.S.A. 55-1809 and 55-1812; effective March 31, 2006.)

22-8-11. Training requirements for initial licenses; instructor and class approval. (a) For each type of initial license sought, each applicant shall complete the required training specified in this regulation and approved by the state fire marshal.

(b) Each instructor and each class shall be required to be approved in advance by the state fire marshal. Each class, and any equivalent class approved by the state fire marshal, shall be required to meet the corresponding standards in the following certified employee training program (CETP) instructor guides by the propane education and research council (PERC) and the national propane gas association (NPGA), which are hereby adopted by reference:

- (1) "Basic principles and practices," dated 2004;
- (2) "basic plant operations," dated 2004;
- (3) "layout, design and selection of a vapor distribution systems operation" and "preparing and installing DSO components," dated 2004;
- (4) "transfer systems operations," dated 2001;
- (5) "propane delivery basics," dated 2004;
- (6) "dispensing propane safely," dated 2005; and
- (7) "appliance installation," dated 2001.

(c) Each applicant shall submit proof of successful completion of the following required training, as applicable, to the state fire marshal's office:

- (1) For a class one dealer license, the basic principles and practices class;
- (2) for a class two bulk storage site license, the basic plant operations class, the distribution systems operation class, and the transfer systems operations class;
- (3) for a class three cylinder transport license, the propane delivery basics class;
- (4) for a class four cylinder filling license, the dispensing propane safely class;
- (5) for a class five recreational vehicle fueling license, the basic principles and practices class;

- (6) for a class six cylinder exchange cabinet license, the basic principles and practices class;
- (7) for a class seven self-serve liquefied petroleum gas dispensing license, the basic principles and practices class and the transfer systems operations class; or
- (8) for a class eight installation and service of liquefied petroleum gas systems license, the basic principles and practices class and either the appliance installation class or the layout, design and selection of a vapor distribution systems operation class. (Authorized by and implementing K.S.A. 55-1812; effective March 31, 2006.)

22-8-12. Continuing education requirements for license renewal. (a) Continuing education shall cover the normal job functions that the licensee is expected to perform and any new equipment, standards, and recommended practices or procedures introduced by the propane industry since the last license was issued.

(b) Each instructor and each continuing education class shall be required to be approved in advance by the state fire marshal.

(c) Each licensee shall submit proof of the required continuing education to renew the license. For a class six cylinder exchange cabinet license, the licensee shall submit proof of the required continuing education for the licensee's designee at each leased or contracted location. (Authorized by and implementing K.S.A. 55-1812; effective March 31, 2006.)

22-8-13. Adoption of national codes. The following national fire protection association standards, including the annexes, are hereby adopted by reference:

(a) Standard no. 54, "national fuel gas code," 2006 edition; and

(b) standard no. 58, "liquefied petroleum gas code," 2008 edition, except that the provisions of chapter 6.25 shall be effective only on and after January 1, 2012. (Authorized by and implementing K.S.A. 2008 Supp. 55-1812; effective March 31, 2006; amended Feb. 4, 2011.)

22-8-14. Interruption of LP gas service. (a) Each licensee that modifies, repairs, services, or alters an end retail user's liquefied petroleum gas system shall fill out an "interruption of LP gas service form" for each modification, repair, service, or alteration. The licensee shall require the signature of the customer on the form and shall keep the original form on file for five years. The licensee shall make each form available to the state fire marshal upon request.

(b) The form specified in subsection (a) shall be obtained from or approved by the state fire marshal's office. This form is also known as an "out of LP gas" form. (Authorized by and implementing K.S.A. 2004 Supp. 55-1812; effective March 31, 2006.)

22-8-17. Public LP gas cylinder exchange cabinets. Each liquefied petroleum gas marketer and each owner or operator of a location with any public LP gas cylinder exchange cabinets shall ensure that the requirements of this regulation are met. (a) Each public LP gas cylinder exchange cabinet shall be located at least 10 feet from any doorway or opening in a building frequented by the public. Each cabinet shall be located at least 20 feet from any automotive fuel dispenser and at least 20 feet from any source of ignition.

(b) Each public LP gas cylinder exchange cabinet shall be protected from vehicle damage. The protection of each cabinet shall consist of guard posts or either tire bumpers or curbs made of concrete.

(1) Each guard post shall be designed and constructed as follows:

(A) Each post shall be constructed of steel that is at least four inches in diameter and is filled with concrete.

(B) The posts shall be spaced not more than four feet apart and at least four feet high from the top edge of the footing hole. A minimum of two posts shall be used.

(C) Each cabinet corner that does not abut a building shall be protected by a post.

(D) Each post shall be set at least three feet deep in a concrete footing that is at least 15 inches in diameter.

(E) Each post shall be painted yellow.

(F) The clearance between the posts and the cabinet shall be at least three feet.

(2) Each tire bumper or curb shall be designed and constructed as follows:

(A) Each bumper or curb shall be made of concrete and shall be at least four feet long.

(B) The premanufactured height of the bumper or curb shall be at least five inches.

(C) Each bumper or curb shall be permanently affixed to the sidewalk or driveway.

(D) The clearance between the cabinet and either the bumper or curb shall be at least three feet.

(E) Each bumper or curb shall be painted yellow.

(c) (1) All emergency information and product information on each public LP gas cylinder exchange cabinet shall be visible and readable from the front of each cabinet and on each cylinder. All company information, including an

emergency phone number that is answered 24 hours a day and seven days a week, shall appear on each cabinet and cylinder and shall be readable. Each cabinet shall bear the words “No smoking” and “propane” in letters at least three inches high.

(2) Each exchange cabinet shall bear one or more warning labels that identify the hazards of propane in terms of the categories of health, flammability, and instability to provide basic information to fire-fighting, emergency response, and other personnel. Each warning label shall meet the requirements specified in national fire protection standard no. 704, 2001 edition, including the annexes, which is hereby adopted by reference.

(d) Each cylinder shall remain upright when stored in the exchange cabinet, whether the cylinder is empty, full, or partly full. (Authorized by and implementing K.S.A. 2004 Supp. 55-1812; effective March 31, 2006.)